

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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TONIA BOYD,

Plaintiff,

-against-

CITY OF NEW YORK, et al.,

Defendants.

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REPORT AND  
RECOMMENDATION  
CV-05-5747 (CBA)

Plaintiff filed this action asserting claims pursuant to 42 U.S.C. § 1983 on December 9, 2005. Although plaintiff was at that time represented by counsel, I granted counsel's motion to be relieved by order dated November 7, 2007, and directed plaintiff either to appear through new counsel or indicate that she seeks to proceed pro se by December 10, 2007. Docket Entry 16.

I have since granted plaintiff two extensions of time to obtain new counsel. See Order entered December 13, 2007 and Docket Entry 21. In the second order, I scheduled a conference to be held on March 28, 2008. Plaintiff failed to appear at the conference and has not communicated with the court since that order was entered.

The order scheduling the conference for March 28 alerted plaintiff that failure to appear would result in a recommendation of dismissal for failure to prosecute. Accordingly, I respectfully recommend that this action be dismissed unless, within the time for filing objections, plaintiff appears through new counsel or indicates her intention to proceed pro se. Any objections to this report and recommendation must be filed with the Clerk of the Court, with copies provided to the Honorable Carol B. Amon, within ten days of receipt, and in any event no later than April 17, 2008. Failure to file timely objections may waive the right to appeal the District Court's order. See 28 U.S.C. §636(b) (1); Fed.R.Civ.P. 6(a), 6(e), 72; Small v. Secretary of Health and Human Services, 892 F.2d 14, 15 (2d Cir. 1989).

/S/  
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STEVEN M. GOLD  
United States Magistrate Judge

Brooklyn, New York  
March 28, 2008  
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